

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Brad Hill, Acting Presiding Justice; Honorable Stephen Kane, Associate Justice; Honorable Jennifer Detjen, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Diana Monopoli, Senior Deputy Clerk.

F059293 Nelson et al. v. County of Kern; Carlton Global Resource, LLC.

Cause called and argued by John L.B. Smith, Esq., counsel for appellant and by Charles F. Collins, Esq., counsel for respondent and by William Thomas Chisum, Esq., counsel for real party/respondent.

Cause ordered submitted.

At this point Hill, Acting P.J., Kane, J. and Detjen, J. leave the bench; they are replaced by Ardaiz, P.J., Wiseman, J. and Levy, J.

F056829 People v. Padilla

Cause called and argued by Mark Shenfield, Esq., counsel for appellant and by Leanne L. LeMon, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

F059301 City of Merced v. The Superior Court of Merced Co.; Exxon Mobil Corp.

Cause called and argued by Michael Dana Axline, Esq., counsel for petitioner and by Jeffrey John Parker, Esq., counsel for real party.

Cause ordered submitted.

Court recessed until Tuesday, October 19, 2010 at 1:30 P.M.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

The court reconvened in its courtroom at 1:30 P.M. Present:
Honorable James A. Ardaiz, Presiding Justice; Honorable Dennis A.
Cornell, Associate Justice; Honorable Stephen Kane, Associate
Justice; and Charlene Ynson, Assistant Clerk/Administrator, by
Shandra Santana, Deputy Clerk.

F056128 Bisnar et al. v. Kiniry et al; Golden Eagle Insurance Corp.

Cause called and argued by Kelley Kurtis Beck, Esq., counsel for
appellant Golden Eagle Ins., and by Jeffrey Isaac Ehrlich, Esq.,
counsel for respondent Bisnar et al. Sean T. O'Rourke, Esq., and
Michael R. Johnson, counsel for respondent Brian Kiniry et al. waived
oral argument.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Kane, Acting P.J. to act as Presiding
Justice in his absence and leaves the bench with Cornell, J.; they are
replaced by Poochigian, J. and Detjen, J.

F058493 People v. Aguero

Cause called and argued by Matthew H. Wilson, Esq., counsel for
appellant. Wanda Hill Rouzan, Deputy Attorney General, counsel for
respondent waived oral argument

Cause ordered submitted.

F057431 People v. Ortega

Cause called and argued by David J. Macher, Esq., counsel for
appellant and by Larenda Delaini, Deputy Attorney General, counsel
or respondent.

Cause ordered submitted.

Court recessed until Wednesday, October 20, 2010 at 10:00 A.M.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F057147 People v. Sanchez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F057147 People v. Sanchez

The judgment is reversed and the matter is remanded with the following directions: (1) the court shall hold a hearing on Sanchez's *Marsden* motion concerning his representation by the public defender's office; (2) if Sanchez makes a prima facie showing of ineffective assistance of counsel, the court shall appoint new counsel to represent him and shall entertain such applications as newly appointed counsel may make; and (3) if newly appointed counsel does not make any motions, any motions made are denied, or Sanchez's *Marsden* motion is denied, the court shall reinstate the judgment.

Dawson, Acting P.J.

We concur: Hill, J.; Kane, J.

[CERTIFIED FOR PUBLICATION]

F059568 People v. Turner

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F059568 People v. Turner

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F058623 Park v. Kim

The portion of the judgment pertaining to the alleged violations of sections 224, 226, and 351 is reversed and remanded for further proceedings. In all other respects, the judgment is affirmed. Each party shall bear his or her own costs on appeal. Levy, J.

We concur: Ardaiz, P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057994 People v. Harmon

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.